

REMARKS/ARGUMENTS

With regard to the requirement to furnish a drawing, please note that the current application is the national stage of PCT application no. PCT/EP2004/013335. Please refer to Figures 1-4 of the PCT application for drawings.

Claims 1-20 were pending at the time of the Office Action.

Claim 1 is amended to remove the phrase “in particular in a room ceiling,”. Thus, the objection to this phrase as indefinite is moot.

Claim 1 is also amended to clarify that direct light discharge region (1) has a circular shape, and that the diffuse light discharge region (2) is bounded on the inner side by a circular line (3) and on the outer side by a polygonal line or by a further circular line. Support for these changes is found throughout the specification, in Fig. 1, and in original claims 13 and 14. Claim 13 is canceled, and claim 14 is accordingly amended.

Claims 3-12, and 14-30 are amended to refer only to claim 1. Therefore, any objection on the basis of multiple dependent claims is moot.

The rejection of claims 1-3 as obvious over Muggenburg in view of Jongewaard et al. is respectfully traversed. “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); MPEP § 2143.03. In the present case, the prior art fails to meet this standard. Moreover, incorporating Jongewaard into Muggenburg would prevent the device in Muggenburg from functioning as intended, further showing that claims 1-3 are not obvious.

In contrast to current claim 1 and to a spotlight-type arrangement in which a direct light discharge region (such as (1) in the current application) has a circular shape, Muggenburg does not refer to a spotlight but instead appears to refer to an elongate lamp (utilizing an elongate fluorescent tube 7). Although this elongate lamp is not explicitly mentioned in the text of Muggenburg, the document clearly mentions two plates 21a and 21b (see Fig. 1). Providing two separate plates 21a and 21b only makes sense in an elongate lamp since a spotlight would only comprise one single plate having the form of a ring surrounding a bulb.

Moreover, the Office Action is incorrect in stating that Muggenburg teaches a diffuse light discharge region which surrounds the direct light discharge region. Instead, Muggenburg only shows two separate diffuse light discharge regions 21a, 21b which adjoin to a direct light discharge region 5 at two opposite sides thereof (see reference numerals 21a, 21b and 5 in Fig. 1 of Muggenburg).

Furthermore, current claim 1 states that the inner surface of the housing 10 is made at least regionally as an additional reflector 7. This is not the case in Muggenburg since reflectors 15, 17a and 17b are separate parts which are provided additionally to the housing 10. Such additional parts (reflectors) are not necessary according to the parent claims.

Concerning the dust-proof termination of the housing by a translucent scattering plate which is also a feature of current claim 1, there is no way to utilize a trim piece 22 according to Jongewaard for securing the two plates 21a and 21b (according to Muggenburg) to the housing 11 in a dust-proof manner and simultaneously closing the reflector 3 (according to Muggenburg) also in a dust-proof manner. Thus, the addition of the trim piece of Jongewaard to the device of Muggenburg would prevent the Muggenburg device from functioning as intended.

The combination of Muggenburg and Jongewaard fails to teach all limitations of claims 1-3. Moreover, combining Jongewaard with Muggenburg would prevent the Muggenburg device from functioning as intended, thus teaching away from a combination of the references. For each of these reasons, claims 1-3 are not obvious.

In view of the foregoing amendments and remarks, Applicant submits that the present application is in condition for allowance. A Notice of Allowance is therefore respectfully requested.

A Petition and Fee for a 1 month extension of time is being submitted herewith.

No other fee is believed due. However, the Commissioner is hereby authorized during prosecution of this application and any related appeal, to charge any fees that may be required (except for patent issue fees required under 37 CFR §1.18) or to credit any overpayment of fees to Deposit Account No. 50-0337. If an additional extension of time is required in connection with this paper, please consider this a Petition therefor and charge any fees required to Deposit Account No. 50-0337.

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Miles Yamanaka", followed by a horizontal line extending to the right.

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